

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 25, 2012

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JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 25, 2012

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Sean Duff.

The Journal of Tuesday, January 24, 2012, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 4:40 p.m., President Kibbie presiding.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 589](#).

[House File 589](#)

On motion of Senator Seng, [House File 589](#), a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee recommending passage, was taken up for consideration.

Senator Rielly asked and received unanimous consent to withdraw amendment [S-3377](#), filed by Senators Rielly and Kapucian on June 29, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Rielly asked and received unanimous consent to withdraw amendment [S-3286](#), filed by Senator Rielly, et al., on April 20, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Rielly asked and received unanimous consent to withdraw amendment [S-3297](#), filed by Senator Rielly, et al., on April 27, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Rielly asked and received unanimous consent to withdraw amendment [S-3341](#), filed by Senators Rielly and Kapucian on May 12, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Seng offered amendment [S-5004](#), filed by Senators Seng and Kapucian on January 19, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator McCoy asked and received unanimous consent that action on amendment [S-5004](#) and [House File 589](#) be **deferred**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 25, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2042](#), a bill for an act requiring jobs impact statements for administrative rules.

Read first time and referred to committee on **Economic Growth/Rebuild Iowa**.

ALSO: That the House has on January 25, 2012, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 104, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to session timetable changes.

Read first time and referred to committee on **Rules and Administration**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:46 p.m. until 9:00 a.m., Thursday, January 26, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Dick Hatfield, Burlington—For celebrating his 80th birthday. Senator Courtney (1/25/12).

St. Columbkille Elementary School, Dubuque—For being recognized by the U.S. Department of Education as a 2011 National Blue Ribbon School. Senator Jochum (1/25/12).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, January 25, 2012, 2:05 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Discussion and presentations by the State Soil Conservation Committee, the Conservation Districts of Iowa, and Monsanto.

Adjourned: 3:00 p.m.

APPROPRIATIONS

Convened: Wednesday, January 25, 2012, 4:10 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Danielson (excused).

Committee Business: Approved [SSB 3071](#).

Recessed: 4:15 p.m.

Reconvened: 4:30 p.m.

Adjourned: 4:40 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, January 24, 2012, 3:45 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Mathis, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Danielson, Hatch, and Horn (all excused).

Committee Business: Approved [SSB 3014](#), as amended. Presentations by the LSA's Fiscal Services Division and the Iowa Policy Project.

Recessed: 3:50 p.m.

Reconvened: 4:00 p.m.

Adjourned: 5:00 p.m.

EDUCATION

Convened: Wednesday, January 25, 2012, 1:05 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Bowman, Feenstra, Smith, and Wilhelm.

Members Absent: Boettger, Dvorsky, Hogg, Johnson, and Soddors (all excused).

Committee Business: Presentation by students and Kirkwood Community College.

Adjourned: 1:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, January 24, 2012, 4:10 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: Bolkcom (excused).

Committee Business: Passed [SJR 2001](#). Presentation by the Department of Natural Resources.

Adjourned: 5:00 p.m.

TRANSPORTATION

Convened: Wednesday, January 25, 2012, 3:00 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Dearden, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun.

Members Absent: Dvorsky (excused).

Committee Business: Presentation by the Department of Transportation.

Adjourned: 4:05 p.m.

INTRODUCTION OF BILLS

[Senate File 2059](#), by Dotzler, a bill for an act authorizing lottery games to benefit anti-littering and beautification programs.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 2060](#), by Bolkcom, a bill for an act relating to services provided by assisted living programs and requiring the adoption of rules.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 2061](#), by Anderson, a bill for an act establishing regulations to permit access to surplus lines insurance in this state, and providing civil and criminal penalties, coordinating provisions, and repeals, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 2062, by Ragan, a bill for an act relating to requirements for the use of headlights, and providing penalties.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2063, by Kettering, a bill for an act relating to the operation of certain all-terrain vehicles on streets and highways upon registration with the department of transportation, providing a registration fee, and providing penalties.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 2064, by Danielson, a bill for an act concerning retirement incentive programs for school district employees.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2065, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to employee stock ownership plans by encouraging the adoption of such plans by Iowa corporations, creating an individual income tax exemption, making an appropriation, and including retroactive applicability provisions.

Read first time and **placed on calendar**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2022

AGRICULTURE: Kibbie, Chair; Kapucian and Seng

Senate File 2043

STATE GOVERNMENT: Kibbie, Chair; Chelgren and Fraise

Senate File 2047

LOCAL GOVERNMENT: Beall, Chair; Bowman and Ernst

Senate File 2058

STATE GOVERNMENT: McCoy, Chair; Dearden and Smith

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH/REBUILD IOWA

Bill Title: *[SENATE FILE 2065 \(SSB 3014\)](#), a bill for an act relating to employee stock ownership plans by encouraging the adoption of such plans by Iowa corporations, creating an individual income tax exemption, making an appropriation, and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Sodders, Dotzler, Greiner, Bacon, Bertrand, Bowman, Chelgren, Mathis, Rielly, Ward, Whitver, and Wilhelm. Nays, none. Absent, 3: Danielson, Hatch, and Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on [Senate File 2065](#), and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: [SENATE JOINT RESOLUTION 2001](#), a joint resolution nullifying an administrative rule of the natural resource commission prohibiting the use of lead shot for hunting mourning doves and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Dearden, Black, Hahn, Ernst, Hamerlinck, Hancock, Kapucian, Schoenjahn, and Sorenson. Nays, 3: Hogg, Ragan, and Seng. Absent, 1: Bolkcom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.